

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGEL MARTINEZ-MONROY,

Defendant.

Case No. 2:22-mj-00970-EJY

FINDINGS OF FACT AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. On September 20, 2023, the parties appeared before this Court for change of plea and sentencing. ECF No. 17. At that appearance, the defendant pleaded guilty to Operating a Vessel While Under the Influence of Alcohol, a violation of 36 C.F.R. § 3.10(a)(1).

2. Pursuant to the parties' agreement, the defendant agreed to be sentenced to unsupervised probation for one year, pay an \$300 fine and \$10 assessment fee, and complete a Victim Impact Panel, alcohol awareness course, and boating course. The defendant also agreed not to violate any local, state, or federal laws. The parties agreed that if the defendant successfully completed his obligations within the first six months of his unsupervised probation, the parties would jointly move to allow the defendant to withdraw his guilty plea to Operating a Vessel While Under the Influence of Alcohol, 36 C.F.R. § 3.10(a)(1), and permit the government to amend the charge to Negligent Operation of a

1 Vessel, 36 C.F.R. § 3.8(a)(8). The parties further agreed that defendant's guilty
2 plea and sentence would be automatically applied to the new charge. This Court
3 ordered the parties to file a joint status report with the Court once the defendant
4 completed all of the required conditions.

5 3. As of the filing of this stipulation, the defendant has completed all of
6 the conditions set forth in the parties' agreement. Defense counsel has provided
7 proof of completion to the government. The defendant also has not violated any
8 local, state, or federal laws.

9 4. The parties therefore request that this Court permit the defendant
10 to automatically withdraw his guilty plea to Operating a Vessel While Under the
11 Influence of Alcohol, 36 C.F.R. § 3.10(a)(1), and that the government be permitted
12 to amend the charge to Negligent Operation of a Vessel, 36 C.F.R. § 3.8(a)(8). The
13 parties further request that the defendant's original guilty plea and sentence be
14 applied to the amended charge.

15 5. The parties also request that the defendant's unsupervised
16 probation be terminated at this time.
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ORDER

IT IS THEREFORE ORDERED that defendant's guilty plea to Operating a Vessel While Under the Influence of Alcohol, 36 C.F.R. § 3.10(a)(1), is hereby withdrawn, and amended to a charge of Negligent Operation of a Vessel, 36 C.F.R. § 3.8(a)(8).

IT IS FURTHER ORDERED that the defendant's original guilty plea and sentence is applied to the amended charge.

IT IS FURTHER ORDERED that defendant's unsupervised probation is terminated.

DATED this 8th day of April, 2024.


UNITED STATES MAGISTRATE JUDGE